

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

| | |
|--------------------------|------------------|
| Attorney Docket Number | |
| First Named Inventor | GARY NEIL ZAIGER |
| COMPLETE IF KNOWN | |
| Application Number | |
| Filing Date | |
| Art Unit | |
| Examiner Name | |

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) name below to be the original and first inventor(s) of the new and distinct variety of:

PEACH TREE

plant named: 'SUPER LADY'

which is claimed and for which a plant patent is sought, the specification of which

is attached hereto OR was filed on (MM/DD/YYYY) [] as United States

Application Number [] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

Said plant was found in cultivated area (*check this box for newly found plant only*)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Check Only If Priority Not Claimed | Certified Copy Attached? |
|-------------------------------------|---------|----------------------------------|--|---|
| | | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | YES <input type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> |
| | | | | |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION - Plant Patent Application

Direct all correspondence to: Customer Number
or Bar Code Label OR Correspondence address below

Name LEITH MARIE GARDNER

Address 1219 GRIMES AVE.

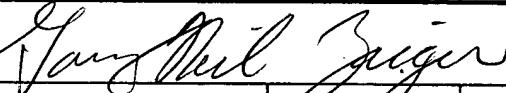
Address

| | | |
|--------------|--------------------------|--------------------|
| City MODESTO | State CA | ZIP 95358 |
| Country USA | Telephone (209) 522-5813 | Fax (209) 549-0119 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventor

| | |
|----------------------|-------------------------------|
| Given Name GARY NEIL | Family Name or Surname ZAIGER |
|----------------------|-------------------------------|

| | |
|---|--------------|
| Inventor's Signature  | Date 3-25-04 |
|---|--------------|

| | | | |
|-------------------------|----------|-------------|-----------------|
| Residence: City MODESTO | State CA | Country USA | Citizenship USA |
|-------------------------|----------|-------------|-----------------|

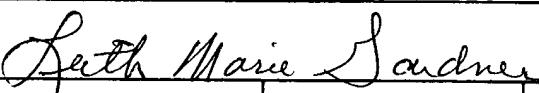
Mailing Address 1907 ELM AVE.

Mailing Address

| | | | |
|--------------|----------|-----------|-------------|
| City MODESTO | State CA | Zip 95358 | Country USA |
|--------------|----------|-----------|-------------|

NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor

| | |
|------------------------|--------------------------------|
| Given Name LEITH MARIE | Family Name or Surname GARDNER |
|------------------------|--------------------------------|

| | |
|--|--------------|
| Inventor's Signature  | Date 3-25-04 |
|--|--------------|

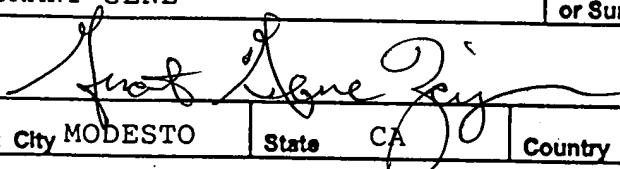
| | | | |
|-------------------------|----------|-------------|-----------------|
| Residence: City MODESTO | State CA | Country USA | Citizenship USA |
|-------------------------|----------|-------------|-----------------|

Mailing Address 1207 GRIMES AVE.

Mailing Address

| | | | |
|--------------|----------|-----------|-------------|
| City MODESTO | State CA | Zip 95358 | Country USA |
|--------------|----------|-----------|-------------|

Additional inventors or legal representative(s) are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

| | | | | |
|--|----------|---|-----------------|--------------|
| NAME OF THIRD INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | |
| Given Name GRANT GENE | | Family Name or Surname ZAIGER | | |
| Inventor's Signature  | | | | Date 3-25-04 |
| Residence: City MODESTO | State CA | Country USA | Citizenship USA | |
| Mailing Address 4005 CALIFORNIA AVE. | | | | |
| Mailing Address | | | | |
| City MODESTO | State CA | Zip 95358 | Country USA | |
| <input type="checkbox"/> Additional inventors or legal representative(s) are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto. [Page 3 of 3] | | | | |